COPYRIGHT LAW AND PREDATORY PUBLISHING: AN INTERNATIONAL LEGAL ANALYSIS

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Abstract

This study examines the structural relationship between copyright law and predatory publishing within contemporary digital academic ecosystems. As scientific dissemination increasingly depends on open-access infrastructures, platform-mediated visibility, and transnational publication networks, predatory journals have evolved into sophisticated systems of intellectual exploitation. The research analyzes how deceptive publishing entities manipulate copyright transfer agreements, misuse Creative Commons licensing models, and exploit jurisdictional fragmentation to retain control over academic works while avoiding effective legal accountability. Using a comparative and interdisciplinary framework integrating international copyright law, digital governance theory, and academic integrity studies, the paper identifies structural deficiencies in current intellectual property enforcement systems when confronting predatory publishing operations. The findings support the hypothesis that predatory publishing is not merely an ethical deviation but a transnational mechanism of copyright exploitation facilitated by algorithmic dissemination systems, contractual asymmetries, and fragmented regulatory enforcement.

Keywords: predatory publishing; copyright law; intellectual property; academic fraud; digital publishing; open access; Creative Commons; transnational law.

1. Introduction

The digitization of academic communication has transformed the structure of scientific publishing. Open-access dissemination, algorithmic indexing systems, and platform-based visibility mechanisms have expanded global access to knowledge production while simultaneously facilitating the emergence of predatory publication infrastructures.

Predatory journals imitate legitimate scientific publications while lacking genuine peer review, editorial transparency, academic rigor, and ethical compliance. Although the phenomenon is often analyzed through academic integrity frameworks, its legal implications—particularly regarding copyright law—remain insufficiently explored.

Contemporary predatory publishers frequently operate through deceptive contractual structures that obtain extensive economic rights over academic works while obscuring ownership conditions, licensing limitations, and withdrawal procedures. In numerous cases, authors lose practical control over their intellectual production after publication due to broad copyright transfer agreements and opaque editorial policies.

The problem becomes increasingly complex in transnational digital environments where predatory publishers operate through offshore infrastructures, anonymous hosting services, and decentralized dissemination systems. Traditional territorial assumptions underlying copyright enforcement are therefore challenged by platform-mediated publication ecosystems capable of distributing academic content across multiple jurisdictions simultaneously.

Research Question: To what extent are existing international copyright law frameworks capable of regulating predatory publishing practices within transnational digital academic ecosystems?

Hypothesis (H1): Current international copyright systems are structurally insufficient to effectively address predatory publishing because existing legal frameworks were designed for territorially identifiable publication environments and inadequately regulate transnational digital dissemination systems characterized by deceptive licensing, contractual asymmetry, and fragmented enforcement mechanisms.

2. Theoretical Framework

This study integrates international copyright doctrine with theories of digital governance, platform mediation, and transnational academic regulation.

Copyright law traditionally distinguishes between economic rights and moral rights. Economic rights regulate reproduction, distribution, communication, and commercialization of protected works, while moral rights protect attribution, integrity,

and authorial identity. Predatory publishing frequently interferes with both categories simultaneously through unauthorized dissemination, misleading attribution practices, and exploitative licensing agreements.

The Berne Convention established the foundational principle of automatic copyright protection without registration requirements. However, the Convention was developed within predominantly territorial publication systems and did not anticipate decentralized digital dissemination infrastructures controlled by opaque transnational entities.

Similarly, the Agreement on Trade-Related Aspects of Intellectual Property Rights strengthened international enforcement obligations but primarily focused on commercial piracy and counterfeiting rather than exploitative academic publication systems operating through deceptive contractual consent.

The concept of platform governance additionally becomes relevant because contemporary predatory publishing increasingly depends upon algorithmic visibility systems, indexing databases, search engine discoverability, and automated citation infrastructures. Predatory journals exploit weaknesses in academic indexing systems to artificially construct reputational legitimacy.

3. Methodology

The research employs a qualitative-comparative doctrinal methodology.

Data sources: international copyright treaties; domestic intellectual property legislation; institutional publication standards; academic integrity guidelines; legal scholarship concerning predatory publishing and digital dissemination.

Analytical approach: doctrinal legal analysis combined with comparative international evaluation.

Geographic scope: United States; European Union; United Kingdom; selected international intellectual property frameworks.

Variables analyzed: copyright ownership; licensing validity; moral rights protection; transnational enforcement; platform mediation; algorithmic dissemination; contractual asymmetry.

4. Results

The analysis identifies four primary structural dynamics:

(1) Copyright Transfer Exploitation

Predatory publishers frequently require broad copyright assignments granting extensive reproduction, dissemination, and sublicensing rights while limiting authorial withdrawal capacity.

(2) Open-Access Manipulation

Predatory journals often misuse Creative Commons frameworks and falsely present themselves as legitimate open-access publishers while imposing contradictory ownership conditions.

(3) Jurisdictional Fragmentation

Transnational digital infrastructures complicate enforcement by dispersing hosting services, payment systems, and operational entities across multiple jurisdictions.

(4) Algorithmic Legitimization

Search engines, citation metrics, and indexing platforms unintentionally amplify the visibility and perceived credibility of predatory journals.

5. Discussion

The results support the hypothesis that predatory publishing constitutes a transnational mechanism of intellectual exploitation facilitated by structural deficiencies in contemporary copyright governance.

Traditional copyright systems were designed around assumptions of identifiable publishers, territorially bounded dissemination, and relatively stable contractual relationships. Contemporary digital publication ecosystems no longer operate under those assumptions.

Predatory publishers exploit legal asymmetries between jurisdictions, algorithmic visibility systems, and institutional publication pressures to construct economically profitable publication models based on academic vulnerability.

The analysis additionally demonstrates that copyright law alone cannot effectively regulate predatory publishing. The phenomenon intersects with platform governance, digital intermediary accountability, academic accreditation systems, and transnational regulatory cooperation.

6. Conclusions

Predatory publishing represents a major structural challenge within contemporary academic communication systems. The phenomenon increasingly operates as a transnational mechanism of copyright exploitation, contractual asymmetry, and digital intellectual victimization.

Current international copyright regimes remain insufficiently adapted to decentralized digital dissemination systems characterized by algorithmic amplification, fragmented jurisdictional accountability, and platform-mediated visibility structures.

The study concludes that effective regulation of predatory publishing requires coordinated integration between copyright law, digital governance, intermediary accountability, and international academic oversight systems.

Future regulatory frameworks must modernize intellectual property enforcement architectures in order to effectively confront transnational exploitative publication systems operating within globalized scientific ecosystems.

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